



COLUMBIA HEIGHTS POLICE DEPARTMENT POLICY MANUAL

TITLE: VEHICLE TOWING	GENERAL ORDER NUMBER: 605
REFERENCES: M.S. §§ 168B.035; 168B.011; 168B.04 168B.06, 168B.07, 168B.08	EFFECTIVE DATE: 06/01/2016
REVIEW DATE: 01/01/2019	DISTRIBUTION: A

The purpose of this General Order of the Columbia Heights Police Department is to tow vehicles only in those situations where it is necessary for public safety, to protect property, and to preserve evidence.

605:1 Definitions

Authorized Impound Service

The towing service which is authorized and under contract to provide towing services for the Columbia Heights Police Department.

Abandoned Vehicle

For the purposes of this General Order, the definition *abandoned vehicle* means a motor vehicle as defined in Minnesota Statutes § 168B.011, Subdivision 2.

Unauthorized Vehicle

For the purposes of this General Order, the definition *unauthorized vehicle* means a motor vehicle as defined in Minnesota Statutes § 168B.04, Subdivision 2.

605:2 Procedures

605:21 Motor Vehicle Accidents

Vehicles involved in motor vehicle accidents and disabled may be towed to clear roadways for traffic flow. The owner/operator of a motor vehicle may choose a towing agency, provided the towing service can be provided in a timely fashion, and there is no police hold.

605:211

The vehicle may be released to the owner at the scene if everything is in order. All vehicles must be insured prior to being released.

605:22 Traffic Hazards

Vehicles constituting a traffic hazard shall be towed without delay. The driver/owner of the vehicle may choose a towing agency, provided the towing service can be provided in a timely fashion.

605:23 Abandoned Vehicles

Any vehicle unattended and unmoved from any public street or highway for a period of 48 hours or more is considered to be abandoned, and may be towed to a place of safekeeping. Prior to the removal of the vehicle, an effort shall be made to notify the owner to remove the vehicle.

605:231 Vehicle Owner Notifications

An attempt should be made by the officer to notify owners of unattended vehicles.

605:24 Unauthorized Vehicles

A vehicle shall meet the statutory definition noted in section 605:1 of this General Order to qualify as an *unauthorized vehicle* prior to action being taken by an authorized employee of the Columbia Heights Police Department. An effort shall be made by the officer to notify

the owner prior to towing, except in an emergency.

605:25 Towing From Private Property

Vehicles shall not be towed from private property, except in the following circumstances:

- Towing is authorized in accordance with Columbia Heights Police Department policies and general orders, or by state law;
- The vehicle has evidentiary value in a criminal investigation;
- The vehicle is creating a hazardous condition;
- A supervisor approves the request to tow the vehicle from private property; or
- An emergency situation exists.

605:26 Towing of Vehicles with Revoked Plates

If an officer receives a message via the state motor vehicle files indicating a vehicle's plates are "revoked - cite only", issue a citation. **Do not tow**, unless for another reason.

605:261

If the plates are to be impounded, issue the proper notice or tow the vehicle, whichever is appropriate.

605:27 Impounding of Vehicles

Absent reason to believe the driver does not have the owner's permission, you may not tow a vehicle just because the driver is not the registered owner.

Subject to the provisions hereunder, a motor vehicle shall be impounded under the following circumstances:

- Incident to a lawful arrest;
- When the motor vehicle is used as an instrument of a crime;
- When the motor vehicle is the fruit of a crime;
- When the motor vehicle is evidence, or contains evidence of a crime; and

- When the motor vehicle is towed as a hazard or abandoned vehicle, and the owner has not been contacted.
- The vehicle is on a public roadway and does not have insurance.
- The vehicle is a recovered stolen vehicle and the owner is not present.
- The vehicle's condition makes it unsafe to operate on public streets or highways.
- The vehicle is subject to forfeiture pursuant to department policy and state statute or federal law.
- The driver is arrested and is not the registered owner, and the registered owner is not present.
- The vehicle has been stopped on a public street or highway and the driver or any passengers are not legal or physically able to drive.
- The driver, who is not the registered owner, has been removed from the vehicle for medical care and the registered owner is not present in the vehicle.
- Note: If the driver/owner of a vehicle is taken into custody and a qualified driver is immediately available or reasonably available at the request of the driver/owner, the officer may allow the qualified driver to remove the car from the scene.

605:28 Stolen/Recovered Vehicles

If a stolen vehicle is located and there is no evidentiary reason for the vehicle to be towed and if the vehicle is operable, the officer shall attempt to notify the owner and give them a reasonable amount of time to retrieve the vehicle if it can be done in a reasonable amount of time to avert any additional cost to the owner.

605:281

The authorized employee having a vehicle towed shall make an attempt to have the registered owner contacted. If the registered owner is not contacted, the authorized employee shall have the vehicle entered in the impound file.

605:3 Property in Vehicle**605:31 Inventory of Property**

When a motor vehicle is towed, a thorough inventory of all property, including the opening of all closed containers, contained in or on the vehicle shall be conducted, including the trunk or under the hood, if accessible.

605:32 Property Removed from Vehicle

If any items are to be removed from the vehicle, a property inventory sheet shall be completed by the removing authorized employee, and the items that have been removed from the vehicle shall be noted on the tow sheet.

605:4 Tow Sheets**605:41 Responsibility to Complete**

A sworn officer or designee shall complete a tow sheet in its entirety. The tow shall include a list of inventoried items, and noted damages to the vehicle. It is the primary officer's duty to ensure it is filled out properly. The VIN should be verified with the registration.

605:411

In all cases tow sheets shall be turned in as soon as possible and prior to going off duty.

605:412

Impound sheets do not need to be made for private tows.

605:5 Requirements for Release of Vehicle**605:51 Requirements**

Owners of impounded vehicles shall have current registration, and provide a valid driver's license and proof of insurance prior to the vehicle being released. Owners without a valid driver's license are required to have a second party with a valid driver's license with them in order to obtain the vehicle release. If another

individual with a valid driver's license is not available, the vehicle can be released as "tow only". Likewise, if there is no proof of valid insurance on the vehicle, the vehicle can be released as "tow only".

605:511 Proof of Insurance

Any time a vehicle is towed and the proof of insurance is not present, the driver and/or owner shall be issued a citation. Minnesota Statute §169.791 requires all drivers, owner or not, to be able to provide proof of insurance upon request by a peace officer.

605:52 Administrative Fee

An administrative fee shall be collected by the authorized towing agency as established in the towing contract.

605:6 Use of Impound Services**605:61**

Only authorized impound services as defined in this General Order shall be used by Department personnel to take official custody of a vehicle.

605: 62

A periodic review of authorized vendors shall be conducted by the police administration and a competitive bidding process shall be utilized in the selection of the authorized contract towing vendor.

605:7 Written Notice of Impound**605:71**

When an impounded vehicle is taken into custody, the police department shall give written notice of the taking within five business days to the registered owner and any lienholders. It will be the responsibility of the police department Records Technicians to complete this task.

605:72

The written notice shall contain the following:

- The date and place of the taking of the vehicle.

- Year, make, model and vehicle identification number (VIN) of the impounded vehicle, and where it is being held.
- Inform the owner and lienholders of their right to reclaim the vehicle under 168B.07
- State that failure of the owner or lienholders to exercise their right to reclaim their vehicle within the appropriate time allowed under 168B.07, Subdivision 1, constitutes a waiver by them all right, title, and interest in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle pursuant to section 168B.08; or exercise their rights to reclaim the contents of the vehicle within the appropriate time allowed under the conditions set forth in section 168B.07 Subdivision 3, constitutes a waiver by them all right, title and interest in the contents and consent to sell or dispose of the contents under section

168B.08; and state that a vehicle owner who provides to the impound lot operator documentation from a government or non profit agency or legal aid office that the owner is homeless, receives relief based on need, is eligible for legal aid services, or has a household income at or below 50 percent of the state median income has the right to retrieve any and all contents without charge.

BY ORDER OF:

Scott Nadeau, Chief of Police